

SUPREME COURT OF ILLINOIS

COURT CONVENED AT 9:30 A.M., TUESDAY, MAY 13, 2003

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

REHEARING DOCKET

No. 89553 - People State of Illinois, appellee, v. Raul Ceja, appellant.

Motion by appellant Joseph E. Birkett, State's Attorney of DuPage County, for clarification of this Court's order entered April 4, 2003, denying the motion to declare clemency action void. Motion allowed. The motion to declare clemency action void is denied for lack of standing.

Order entered by the Court.

ADVISEMENT DOCKET

No. 93687 - Nicolas Vincencio, appellee, v. Lincoln-Way Builders, Inc., etc., appellant.

Motion by appellant to correct opinion. Motion allowed. The opinion filed on April 17, 2003, shall be corrected to reflect that appellant's petition for leave to appeal did not stand in lieu of appellant's brief.

Order entered by Justice Garman.

No. 95483 - Herschel Glenn, petitioner, v. Hon. John P. Tully, Justice of the Appellate Court, First District, et al., etc., respondents.

Motion by petitioner for leave to file reply instanter to objections to petitioner's motion for leave to file a petition for writ of mandamus and motion for supervisory order. Motion allowed.

Order entered by the Court.

Motion by petitioner to reconsider this Court's order of March 11, 2003. Motion allowed. The order of March 11, 2003, denying the mandamus/supervisory jurisdiction motion is vacated. The motion for leave to file a petition for writ of mandamus is denied. The motion for supervisory order is allowed. In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate its order of October 18, 2002, denying the appellant's motion to voluntarily withdraw the appeal in People v. Glenn, 1-01-0176, to vacate all subsequent orders in the case, and to enter an order allowing the appellant's motion to withdraw the appeal.

Order entered by the Court.

No. 95576 - People State of Illinois, respondent, v. Lee Jones, petitioner.

Motion by petitioner for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion allowed. The motion for reconsideration is allowed. The order of April 2, 2003, denying the petition for leave to appeal is vacated. The petition for leave to appeal is allowed.

Order entered by the Court.

#### PEOPLE'S DOCKET

No. 94564 - People State of Illinois, appellee, v. Murray Blue, appellant.

Motion by appellee that this Court take the instant case as a direct appeal pursuant to Supreme Court Rule 302(b) and then dismiss the appeal. Appellee's request to dismiss the appeal that is now pending in this Court pursuant to Supreme Court Rule 302(b) is denied.

Order entered by the Court.

CIVIL DOCKET

No. 94730 - Lake County Riverboat L.P., etc., appellant, v. Illinois Gaming Board et al., etc., appellees.

On the Court's own motion, the proceedings in this case are stayed pending disposition of the bankruptcy proceedings.

Order entered by the Court.

No. 95808 - Nestor Fuentes, movant, v. Hon. Robert E. Byrne, Justice of the Appellate Court, Second District, et al., etc., respondents.

Motion by movant for a supervisory order. Motion allowed. In the exercise of this Court's supervisory authority, the Circuit Court of Lake County is directed to vacate the sentence entered in People v. Fuentes, 00 CF 3562, and to enter a sentence of 7 years consistent with this Court's opinion in People v. Morgan, 203 Ill.2d 470 (2003).

Order entered by the Court.

LEAVE TO APPEAL DOCKET

No. 91829 - People State of Illinois, petitioner, v. Eugene Ross, respondent.

Motion by petitioner for leave to add additional argument instant to petition for leave to appeal. Motion allowed.

Order entered by Justice Kilbride.

No. 95725 - People State of Illinois, petitioner, v. Dennis Townsell, respondent.

Motion by petitioner for leave to cite additional authorities instant in support of petition for leave to appeal. Motion allowed.

Order entered by Justice Kilbride.

No. 96120 - People State of Illinois, respondent, v. Michael D. Davis, petitioner.

Motion by petitioner for leave to file petition for leave to appeal instant. Motion allowed.

Order entered by Justice Garman.

MISCELLANEOUS RECORD

M.R.18684 - In re: Carson Edward White, petitioner.

Petition by Carson Edward White for review of the decision of the Committee on Character and Fitness, and for admission to the bar. Petition denied.

Order entered by the Court.

M.R.18731 - In re: Gary L. Gearhart. Disciplinary Commission.

Motion by Gary L. Gearhart to recall the Review Board's Mandate. Motion allowed.

Order entered by the Court.

Motion by Gary L. Gearhart for leave to file instant petition for leave to file exceptions to the report and recommendation of the Review Board. Motion allowed.

Order entered by the Court.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

PEOPLE'S DOCKET

Nos.93806 - People State of Illinois, appellant, v. Jesus  
93834 Fidel Morales et al., appellees.  
Cons.

Motion by appellee Alvaro Ortega in case No. 93834 for an extension of time for filing brief to and including May 30, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 93970 - People State of Illinois, appellant, v. Mariusz Sienkiewicz, appellee.

Motion by appellee for an extension of time for filing brief to and including June 4, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 95350 - People State of Illinois, appellant, v. Mary Braggs, appellee.

Motion by appellant for an extension of time for filing brief to and including May 14, 2003.  
Motion allowed.

Order entered by Justice Freeman.

No. 95574 - People State of Illinois, appellant, v. Tiffany Hopp, appellee.

Motion by appellant for an extension of time for filing brief to and including June 6, 2003.

No. 95669 - In re Alexis H. et al., Minors (People State of Illinois, appellant, v. Tracy H. et al., appellees).

Motion by appellant for an extension of time for filing brief to and including June 11, 2003.  
Motion allowed.

Order entered by Justice Freeman.

No. 96156 - People State of Illinois, appellee, v. Tyrone Fuller, appellant.

Motion by appellant for leave to file a late notice of appeal in the Circuit Court of Cook County.

#### CIVIL DOCKET

No. 91494 - Michael E. Avery et al., etc., appellees, v. State Farm Mutual Automobile Insurance Company, appellant.

Motion by appellees for leave to file supplementary authority instant. Motion allowed.

Order entered by Justice Garman.

Motion by appellant to submit additional supplemental authority instant. Motion allowed.

Order entered by Justice Garman.

Nos. 93678 - Stephen Young, etc., et al., appellees, v. Bryco  
93685 Arms, et al., appellants.  
93728  
Cons. Motion by appellees to establish briefing  
schedule that appellees brief be due on or before  
June 11, 2003, and reply brief, if any, be due on  
or before June 25, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 94131 - Richard Washlow, petitioner, v. Judith K. Cremer,  
Clerk of the Circuit Court of Livingston County,  
respondent.

Motion by petitioner for leave to file corrected  
reply brief instant. Motion allowed.

Order entered by Justice Garman.

No. 95181 - Raintree Homes, Inc., et al., appellees, v.  
Village of Long Grove, appellant.

Motion by amicus curiae Village of Kildeer for  
leave to file instant a statement in response  
to the brief of appellees. Motion denied.

Order entered by Justice Freeman.

No. 95643 - Mark Lyon, appellee, v. The Illinois Department of  
Children and Family Services et al., etc.,  
appellants.

Motion by appellants for an extension of time for  
filing brief to and including June 11, 2003.  
Motion allowed.

Order entered by Justice Garman.

No. 95913 - Linette Metzger, appellee/cross-appellant, v.  
Timothy Da Rosa et al., appellants/  
cross-appellees.

Agreed motion by appellants/cross-appellees for  
an extension of time for filing brief to and  
including May 23, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 96012 - Brian E. Mattis, Indv., appellee/cross-appellant, v. State Universities Retirement System et al., etc., appellants/cross-appellees.

Agreed motion by appellants/cross-appellees for an extension of time to and including June 13, 2003, for filing report of proceedings in the Circuit Court of Champaign County, case No. 95 L 222, Mattis v. State Universities. Motion allowed.

Order entered by Justice Garman.

LEAVE TO APPEAL DOCKET

No. 95444 - Ivan Tite, respondent, v. Jessica Lapinski, petitioner.

Motion by petitioner, pro se, for an extension of time for filing petition for leave to appeal to and including June 15, 2003. Motion allowed.

Order entered by Justice Garman.

No. 95885 - Carolyn Bottoms, petitioner, v. Civil Service Commission, etc., et al., respondents.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including May 23, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 95976 - Gerald F. Knauf et al., etc., respondents, v. John M. Ryan et al., petitioners.

Motion by petitioners to amend petition for leave to appeal instant. Motion allowed.

Order entered by Justice Freeman.

No. 96024 - David Mitchell, respondent, v. James D. Cole, Jr., et al., etc. (Farm Dealers, Inc., etc., petitioner).

Agreed motion by petitioner to dismiss petition for leave to appeal. Motion allowed.

Order entered by Justice Kilbride.

No. 96027 - Village of Oak Park, respondent, v. Lorraine Phillips, petitioner.

Motion by petitioner for leave to retrieve the trial court record from the Appellate Court, First District, in case No. 1-01-2074, for review. Motion allowed.

Order entered by Justice Freeman.

No. 96030 - Jeffrey Lane, petitioner, v. American Bridge Company, respondent.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including May 12, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 96086 - Ernest T. Rossiello, petitioner, v. Marita C. Sullivan, respondent.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including May 9, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 96152 - Jeffrey Shoemaker et al., respondents, v. Hyundai Motor America, petitioner.

Motion by petitioner for stay of proceedings in the Circuit Court of Cook County in Graham v. Hyundai Motor America, No. 02 M1 147304, Royal v. Hyundai Motor America, Inc., No. 02 M1 30497, and Shoemaker v. Hyundai, Inc., No. 02 M1 151689, pending disposition of the petition for leave to appeal.

No. 96161 - West Bend Mutual Insurance Company, petitioner, v. Mulligan Masonry Company, Inc., et al., respondents.

Motion by respondents to strike petition for leave to appeal.



Motion by petitioner for an extension of time of seven (7) days to file an amended affidavit of intent as required pursuant to Supreme Court Rule 315(b) with the Appellate Court, Second District, and file the petition for leave to appeal as of the date the amended affidavit is filed or, in the alternative, leave to file previously submitted petition for leave to appeal instant.

No. 96165 - People State of Illinois, respondent, v. Charles M. Dean, petitioner.

Motion by petitioner for leave to file petition for leave to appeal instant. Motion allowed.

Order entered by Justice Kilbride.

No. 96187 - North Community Bank, petitioner, v. T. Lamb, Inc., respondent.

Motion by petitioner for leave to file petition for leave to appeal instant. Motion allowed.

Order entered by Justice Freeman.

No. 96193 - William Lewis, petitioner, v. Illinois Department of Employment Security et al., respondents.

Motion by petitioner, pro se, for leave to file a late petition for leave to appeal instant. Motion allowed.

Order entered by Justice Freeman.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, TUESDAY, MAY 13, 2003

No. 90865 - People State of Illinois, appellant, v. Henry Kaczmarek, appellee. Appeal, Appellate Court, First District.

Oral argument by Alan Spellberg for appellant and by Debra R. Salinger for appellee. Submitted. Agenda 1.

No. 93699 - People State of Illinois, appellant, v. Ronald J. Lampitok, appellee. Appeal, Appellate Court, Fourth District.

Oral argument by Domenica Osterberger for appellant and by Michael K. Radloff for appellee. Submitted. Agenda 2.

No. 94334 - People State of Illinois, appellant, v. Paul E. Botruff, appellee. Appeal, Appellate Court, Third District.

Oral argument by Huma A. Khan for appellant and by Richard L. Whitman for appellee. Submitted. Agenda 3.

No. 94633 - People State of Illinois, appellant, v. James P. Graves, appellee. Appeal, Appellate Court, Third District.

Oral argument by Karen Kaplan for appellant and by Santiago A. Durango for appellee. Submitted. Agenda 4.